

ESTTA Tracking number: **ESTTA380632**

Filing date: **11/24/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Chase Brass, LLC
Granted to Date of previous extension	11/24/2010
Address	427 North Shamrock East Alton, IL 62024 UNITED STATES

Attorney information	Bryan K. Wheelock Harness, Dickey & Pierce, PLC 7700 Bonhomme Avenue Suite 400 St. Louis, MO 63105 UNITED STATES bwheelock@hdp.com, mmcclane@hdp.com, kyancey@hdp.com, kbearley@hdp.com Phone:(314) 726-7505
----------------------	---

Applicant Information

Application No	77947618	Publication date	07/27/2010
Opposition Filing Date	11/24/2010	Opposition Period Ends	11/24/2010
Applicant	Sipi Metals Corp. 1720 North Elston Avenue Chicago, IL 60622 UNITED STATES		

Goods/Services Affected by Opposition

Class 006. All goods and services in the class are opposed, namely: Bronze and bronze alloy in bars, billets and sheets for use in manufacturing by machining, casting or forging
--


Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2474958	Application Date	05/26/1999
Registration Date	08/07/2001	Foreign Priority Date	NONE

Word Mark	ECOBRESS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 006. First use: COPPER and copper alloy in bars, billets and sheets for use in future manufacturing by machining, casting or forging

U.S. Registration No.	2479029	Application Date	06/30/1999
Registration Date	08/21/2001	Foreign Priority Date	NONE
Word Mark	ECO BRASS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 2000/01/26 First Use In Commerce: 2000/01/26 Cooper alloy in the nature of brass in bars, billets and sheets for use in future manufacturing by machining, casting and forging		

Related Proceedings	77/947,606; 77/947,614
---------------------	------------------------

Attachments	75741530#TMSN.gif (1 page)(bytes) Scanned Final Notice of Opposition.PDF (4 pages)(174528 bytes) Scanned Exhibit A.PDF (1 page)(77322 bytes) Scanned Exhibit B.PDF (1 page)(30502 bytes) Scanned Exhibit C.PDF (1 page)(32309 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Bryan K. Wheelock/
Name	Bryan K. Wheelock
Date	11/24/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re U.S. Trademark Application Serial No. 77/947,618 for ECO BRONZE Filed
March 1, 2010 and Published in the *Official Gazette* on July 27, 2010

Chase Brass & Copper Company, LLC,)	
a Delaware limited liability company,)	
as a licensee of Sambo Copper)	
Alloy Co., Ltd., a Japanese corporation,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
Sipi Metals Corp., an Illinois corporation,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Chase Brass & Copper Company, LLC, a Delaware limited liability company, having a place of business at 427 North Shamrock, East Alton, Illinois 62024 (hereinafter “Chase”), as a licensee of Sambo Copper Alloy Co., Ltd. (hereinafter “Sambo”), believes that it is being damaged, and will be damaged, by the registration of the mark shown in Application Serial No. 77/947,618 in International Class 6, filed by Sipi Metals Corp. (hereinafter “Applicant”) on March 1, 2010 and published July 27, 2010, and hereby opposes the same.

The grounds for the opposition are as follows:

1. On March 1, 2010, Applicant filed U.S. Trademark Application Serial No. 77/947,618 (“the ‘618 Application”) for ECO BRONZE for “bronze and bronze alloy in bars, billets and sheets for use in manufacturing by machining, casting or forging” in International Class 6. *See* Exhibit A. Based on 15 U.S.C. §1051(b), Applicant claimed an intention to use ECO BRONZE.

2. Prior to Applicant's filing date of March 1, 2010, on May 26, 1999, Sambo filed U.S. Trademark Application Serial No. 75/716,107 for ECOBRASS for "copper and copper alloy in bars, billets and sheets for use in future manufacturing by machining, casting or forging" in International Class 6. *See* Exhibit B. U.S. Trademark Application Serial No. 75/716,107 proceeded to registration on August 7, 2001 as U.S. Trademark Registration No. 2,474,958.

3. Prior to Applicant's filing date of March 1, 2010, on June 30, 1999, Sambo filed U.S. Trademark Application Serial No. 75/741,530 for ECO BRASS "copper alloy in the nature of brass in bars, billets and sheets for use in future manufacturing by machining, casting and forging" in International Class 6. *See* Exhibit C. U.S. Trademark Application Serial No. 75/741,530 proceeded to registration on August 21, 2001 as U.S. Trademark Registration No. 2,479,029.

4. Through a license agreement with Sambo, which predates Applicant's filing date of March 1, 2010, Chase is authorized to use the ECOBRASS and ECO BRASS marks owned by Sambo.

5. Prior to Applicant's filing date of March 1, 2010, Chase used and continues to use ECO BRASS for copper alloy in rods for use in, among other things, manufacturing by machining, casting and forging.

6. Chase's use of ECO BRASS long predates the filing date of the '618 Application and, on information and belief, any actual use Applicant may have made of the mark ECO BRONZE.

7. The grant of a registration to Applicant for ECO BRONZE as sought in the '618 Application should be denied on the grounds of Sambo's prior application for, and Chase's prior use of ECO BRASS.

8. The mark sought to be registered by Applicant is confusingly similar to the ECO BRASS mark and the use of ECO BRONZE by Applicant is likely to cause confusion or mistake in the minds of the public and lead the public and prospective purchasers to believe that applicant's goods are those of Sambo and/or Chase or are endorsed, sponsored, or otherwise affiliated or connected with Sambo and/or Chase, or that Sambo's and/or Chase's goods and services are associated with applicant, contrary to 15 U.S.C. §1052(d), and all to the damage and injury of the purchasing public and to the damage and injury of Sambo and Chase.

9. The grant of a registration to Applicant for its ECO BRONZE mark as sought in the '618 Application should be denied on the grounds that Applicant's use and registration of ECO BRONZE dilutes the distinctiveness of the ECO BRASS mark, which is famous.

WHEREFORE, Chase files this Notice of Opposition and prays that the aforesaid '618 Application of Sipi Metals Corp., herein opposed, be refused; that no registration be issued thereon to Applicant; and for such other and further relief as may be deemed just and proper.

The Commissioner is hereby authorized to charge Deposit Account No. **08-0750** the amount of \$300 to cover the filing fees for this Notice of Opposition against the '618 Application. It is believed that this is the correct fee. However, the Commissioner is

authorized to charge any additional fees to Deposit Account No. **08-0750** and is requested to address all correspondence regarding this opposition to:

Bryan K. Wheelock
Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme Avenue, Suite 400
St. Louis, Missouri 63105
Telephone: (314)726-7505
Facsimile: (314)726-7501
Email: bwheelock@hdp.com

Dated: November 24, 2010

Respectfully submitted,

By: /s/ Bryan K. Wheelock
Bryan K. Wheelock, EDMO #4696
Email: bwheelock@hdp.com
Kara R. Yancey, EDMO #503030
Email: kyancey@hdp.com
Molly B. Edwards, EDMO #508825
Email: medwards@hdp.com
HARNES, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
Clayton, Missouri 63105
Phone: (314) 726-7500
Fax: (314) 726-7501

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via U.S. Mail, postage fully pre-paid, on this 24th day of November, 2010, upon the following:

Robert S. Beiser
Vedder Price, P.C.
222 N. LaSalle Street., Ste. 2400
Chicago, IL 60601-1104

Attorneys for Applicant

/s/ Bryan K. Wheelock

TM 562

OFFICIAL GAZETTE

JULY 27, 2010

CLASS 6—(Continued).

SN 77-947,590. SUNBELT STEEL TEXAS, LLC. HOUSTON, TX. FILED 3-1-2010.



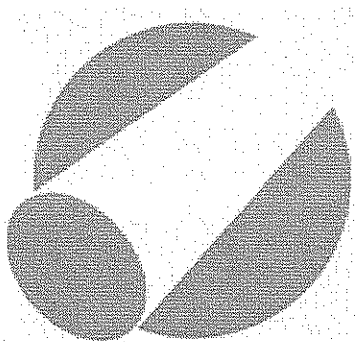
OWNER OF U.S. REG. NOS. 2,504,747 AND 2,515,471.
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO
USE "STEEL", APART FROM THE MARK AS SHOWN.
THE MARK CONSISTS OF THE WORDING "SUNBELT
STEEL" AND THE DESIGN OF A BAR WITH A HOLE IN IT
ON TOP OF A SHADED CIRCLE.
FOR STEEL IN SHEET, ROD, BAR, AND/OR BILLET
FORM (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).
FIRST USE 8-1-2009; IN COMMERCE 8-1-2009.
ALEX KEAM, EXAMINING ATTORNEY

SN 77-947,606. SIPI METALS CORP., CHICAGO, IL. FILED 3-1-2010.

ECOBRONZE

THE MARK CONSISTS OF STANDARD CHARACTERS
WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE,
SIZE, OR COLOR.
FOR BRONZE AND BRONZE ALLOY IN BARS,
BILLETS AND SHEETS FOR USE IN MANUFACTUR-
ING BY MACHINING, CASTING OR FORGING (U.S.
CLS. 2, 12, 13, 14, 23, 25 AND 50).
CIMMERIAN COLEMAN, EXAMINING ATTORNEY

SN 77-947,607. SUNBELT STEEL TEXAS, LLC. HOUSTON, TX. FILED 3-1-2010.



THE MARK CONSISTS OF A BAR WITH A HOLE IN IT
ON TOP OF A SHADED CIRCLE.
FOR STEEL IN SHEET, ROD, BAR AND/OR BILLET
FORM (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).
FIRST USE 8-1-2009; IN COMMERCE 8-1-2009.
ALEX KEAM, EXAMINING ATTORNEY

CLASS 6—(Continued).

SN 77-947,614. SIPI METALS CORP., CHICAGO, IL. FILED 3-1-2010.

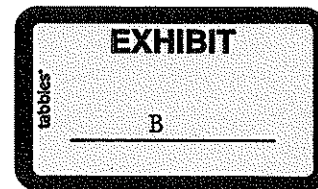
ECO-BRONZE

THE MARK CONSISTS OF STANDARD CHARACTERS
WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE,
SIZE, OR COLOR.
FOR BRONZE AND BRONZE ALLOY IN BARS,
BILLETS AND SHEETS FOR USE IN MANUFACTUR-
ING BY MACHINING, CASTING OR FORGING (U.S.
CLS. 2, 12, 13, 14, 23, 25 AND 50).
CIMMERIAN COLEMAN, EXAMINING ATTORNEY

SN 77-947,618. SIPI METALS CORP., CHICAGO, IL. FILED 3-1-2010.

ECO BRONZE

THE MARK CONSISTS OF STANDARD CHARACTERS
WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE,
SIZE, OR COLOR.
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO
USE "BRONZE", APART FROM THE MARK AS SHOWN.
FOR BRONZE AND BRONZE ALLOY IN BARS,
BILLETS AND SHEETS FOR USE IN MANUFACTUR-
ING BY MACHINING, CASTING OR FORGING (U.S.
CLS. 2, 12, 13, 14, 23, 25 AND 50).
CIMMERIAN COLEMAN, EXAMINING ATTORNEY



Int. Cl.: 6

Prior U.S. Cls.: 2, 12, 13, 14, 23, 25 and 50

United States Patent and Trademark Office

Reg. No. 2,474,958

Registered Aug. 7, 2001

**TRADEMARK
PRINCIPAL REGISTER**

ECOBRESS

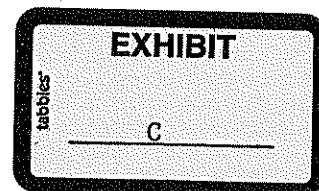
**SAMBO COPPER ALLOY CO., LTD. (JAPAN
CORPORATION)
8-374, SAMBO-CHO, SAKAI-SHI
OSAKA-FU, JAPAN**

**OWNER OF JAPAN REG. NO. 4370141, DATED 3-
24-2000, EXPIRES 3-24-2010.**

**FOR: COPPER AND COPPER ALLOY IN BARS,
BILLETS AND SHEETS FOR USE IN FUTURE
MANUFACTURING BY MACHINING, CASTING
OR FORGING, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14,
23, 25 AND 50).**

SER. NO. 75-716,107, FILED 5-26-1999.

KATHLEEN KOLACZ, EXAMINING ATTORNEY



Int. Cl.: 6

Prior U.S. Cls.: 2, 12, 13, 14, 23, 25 and 50

United States Patent and Trademark Office

Reg. No. 2,479,029

Registered Aug. 21, 2001

**TRADEMARK
PRINCIPAL REGISTER**

ECO BRASS

**SAMBO COPPER ALLOY CO., LTD. (JAPAN
CORPORATION)
8-374, SAMBO-CHO
SAKAI-SHI, OSAKA-FU, JAPAN**

**FOR: COOPER ALLOY IN THE NATURE OF
BRASS IN BARS, BILLETS AND SHEETS FOR USE
IN FUTURE MANUFACTURING BY MACHINING,
CASTING AND FORGING, IN CLASS 6 (U.S. CLS. 2,
12, 13, 14, 23, 25 AND 50).**

FIRST USE 1-26-2000; IN COMMERCE 1-26-2000.

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BRASS", APART FROM THE
MARK AS SHOWN.**

SER. NO. 75-741,530, FILED 6-30-1999.

KATHLEEN KOLACZ, EXAMINING ATTORNEY